

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANNETTE GILNER,	)	CASE NO. 8:23-cv-00299
	)	
Plaintiff,	)	
	)	
vs.	)	<b>NOTICE OF REMOVAL</b>
	)	
MID-AMERICA COUNCIL OF BOY	)	
SCOUTS OF AMERICA and BOY	)	
SCOUTS OF AMERICA,	)	
	)	
Defendants.	)	
	)	

COMES NOW the Defendants, Mid-America Council of Boy Scouts of America (“Mid-America”) and Boy Scouts of America (“BSA”) (“Defendants”), by and through their attorneys of record, and remove this action from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska. Removal is proper under the following grounds:

1. On June 13, 2023, Plaintiff, Annette Gilner ("Plaintiff") commenced this action in the District Court of Douglas County, Nebraska where said action is still pending. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of Plaintiff's Complaint and other filings/documents is attached hereto and marked, collectively, as Exhibit “A.”

2. The United States District Court for the District of Nebraska embraces the District Court of Douglas County, Nebraska.

3. In her Complaint, Plaintiff alleges that Defendants violated the Family and Medical Leave Act ("FMLA") (29 U.S.C. § 2601 et seq.), Title VII of the Civil Rights Act of 1964 (“Title VII”) (42 U.S.C. § 2000 et seq.), The Nebraska Fair Employment Practices Act (“NFEPA”)(**Neb. Rev. Stat.** § 48-1104 et seq.), the Nebraska Age Discrimination in Employment Act, (**Neb. Rev. Stat** § 48-1001 et seq.), Age Discrimination in Employment Act (“ADEA”) (§ 29 U.S.C. 621 et seq.) and seeks

damages under both state and federal statutes. (See Complaint ¶¶ 55, 68, 79 and 90).

4. Because Plaintiff seeks relief pursuant to federal statutes, this Court has original jurisdiction over these federal questions pursuant to 28 U.S.C. § 1331.

5. This Court also has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367 because they are so related to the Plaintiff's Title VII, ADEA and FMLA claims that they form part of the same "case and controversy."

6. Removal of this action to the United States District Court for the District of Nebraska is, therefore, proper under 28 U.S.C. § 1441, because this Court has original jurisdiction over this action under § 1331 and this notice has been filed within thirty (30) days after receipt of service of summons (June 15, 2023) by the Mid-America Council.

7. Venue is proper in this judicial district because the events giving rise to the claims occurred in this judicial district. 28 U.S.C. § 1391(a) & (b)(2). (See Complaint ¶ 18).

8. A Notice of Filing of Notice of Removal is being filed contemporaneously herewith in the District Court of Douglas County, Nebraska.

9. There are no matters pending in the District Court of Douglas County, Nebraska that will currently require resolution by this Court.

WHEREFORE, Defendants Mid-America Council and Boy Scouts of America remove this action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska, and request that Omaha, Nebraska be designated as the place of trial.

Dated this 12<sup>th</sup> day of July, 2023.

MID-AMERICA COUNCIL OF BOY  
SCOUTS OF AMERICA and BOY SCOUTS  
OF AMERICA,  
Defendants

By: /s/ Patrick J. Barrett  
Patrick J. Barrett, #17246  
Kristin M. Nalbach, #27125  
Fraser Stryker PC LLO  
500 Energy Plaza  
409 South 17<sup>th</sup> Street  
Omaha, NE 68102  
402-341-6000  
pbarrett@fraserstryker.com  
knalbach@fraserstryker.com  
ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 12<sup>th</sup> day of July, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court, which sent notification of such filing to the following:

Thomas J. Freeman, #23639  
Alexis S. Mullaney, #25908  
FIEDLER LAW FIRM, PLC  
17330 Wright Street, Suite 102  
Omaha, NE 68130  
(402) 316-3060  
(402) 513-6501  
tom@employmentlawnebraska.com  
alexis@employmentlawnebraska.com  
Attorneys for Plaintiff

By: /s/ Patrick J. Barrett  
Patrick J. Barrett, #17246

3024587v1